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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,701	01/28/2005	David H. Evans	GB02 0120 US	1880
24738 7590 07/26/2007 PHILIPS ELECTRONICS NORTH AMERICA CORPORATION INTELLECTUAL PROPERTY & STANDARDS 370 W. TRIMBLE ROAD MS 91/MG SAN JOSE, CA 95131			EXAMINER PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			07/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/522,701	EVANS ET AL.	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 05/21/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claim 17 had been canceled on 04/10/2006. Claim 1-16 and 18-19 are currently pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13, 17-23 and 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 18, the claims recite “means for *transmitting a first signal*”, “means for *transmitting a second*”, “means *for receiving said first signal*” and “means for *receiving said second signal*”. The claim language is ambiguous. It is not clear that there is one access point transmits the first signal and the second signal or there are two access points which a first access point transmits the first signal and a second access point transmits the second signal. As similar to receiving unit, there is one mobile phone receives the first and second signal or there are two mobile phones which a first mobile phone receives the first signal and a second mobile phone receive the second signal. For examination on the merit the claim will be interpreted as best understood.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilkes et al. (Pub. No: 20020180640) in view of Crosbie (Pub No: 20020085719).

Regarding claim 1, Gilkes et al disclose a system for locating a mobile unit including:

means for transmitting a first signal at a relatively high power (fig. 6, [0042] to [0046]);

means for transmitting a second signal at a predetermined, relatively low power (fig. 6, [0042] to [0046]);

means for receiving said first signal (fig. 6, [0042] to [0046]);

means for determining a first signal strength of said first signal at said means for receiving said first signal (fig. 6, [0042] to [0046]);

means for receiving said second signal (fig. 6, [0042] to [0046]);

means for determining a second signal strength of said second received at received at said means for receiving said second signal (fig. 6, [0042] to [0046])

means for determining whether said second signal strength exceeds a relatively high threshold level so as to locate the mobile unit within a known distance of said means for transmitting said second signal (fig. 6, [0042] to [0046]).

However, Gilkes et al. do not disclose means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided.

In the same field of endeavor, Crosbie discloses means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided ([0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless communication system of Gilkes by specifically including means for determining whether said first signal strength exceeds a relatively low threshold level so as to determine whether service may be provided, as taught by Crosbie, the motivation being in order to improve radio link performance and move the mobile device inside a building without losing the network connection.

Regarding claim 2, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high power is at least 0 dBm (fig. 6, [0042] to [0046]).

Regarding claim 3, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high power is at least 6 dBm, 13 dBm or 20 dBm (fig. 6, [0042] to [0046]).

Regarding claim 4, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system said relatively low power is no more than 0 dBm (fig. 6, [0042] to [0046]).

Regarding claim 5, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively low threshold level is no more than -85 dBm (fig. 6, [0042] to [0046]).

Regarding claim 6, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said relatively high threshold level is no less than -65 dBm (fig. 6, [0042] to [0046]).

Regarding claim 7, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means) for transmitting said first and second signals transmit said first and second signals at different times ([0029])).

Regarding claim 8, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system which is a wireless local area network ([0025]).

Regarding claim 9, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said first signal is an access point ([0003] and [0025]).

Regarding claim 10, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said second signal is an access point ([0003] and [0025]).

Regarding claim 11, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said first signal is a mobile unit ([0003] and [0025]).

Regarding claim 12, the combination of Buchner and Hasegawa disclose all the limitation in claim 8. Further, Hasegawa discloses a system wherein said means (4) for receiving said second signal (24.sub.2) is a mobile unit (col. 5, lines 49-59).

Regarding claim 13, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said first signal is a mobile unit ([0003] and [0025]).

Regarding claim 14, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for transmitting said second signal is a mobile unit ([0003] and [0025]).

Regarding claim 15, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said first signal is an access point ([0003] and [0025]).

Regarding claim 16, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose a system wherein said means for receiving said second signal is an access point.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 19, the combination of Gilkes et al. and Crosbie disclose all the limitation in claim 1. Further, Gilkes et al. disclose discloses an access point configured for use in the system according to claim 1 ([0003] and [0025]).

### ***Conclusion***

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 07/12/2007



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